

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed February 25, 2010 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information lined through on the attached PTO-1140 has not been considered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laura Marie Ulatowski on February 25, 2010.

The application has been amended as follows:

1. (Currently Amended) A system for managing at least one welding consumable, comprising:

a welder, comprising:

a consumables monitor that monitors an amount of at least one consumable consumed; and

an arc/weld quality monitor that monitors quality of at least one weld; and
a remote system communicatively coupled to the welder via a network, the remote
system comprising ~~at least one of:~~

a production control component that receives information from the
consumables monitor regarding the amount of the at least one consumable consumed
or the amount of the at least one consumable remaining and measures a consumable
demand rate based at least in part upon a production control policy and the received
information;

a financial account component that receives information from the
consumables monitor regarding the amount of the at least one consumable consumed
or the amount of the at least one consumable remaining and performs accounting tasks
based at least in part upon the received information; ~~or~~

a materials management component that receives information from the
consumables monitor regarding the amount of the at least one consumable consumed
or the amount of the at least one consumable remaining and performs inventory control
based at least in part upon the received information;

an inventory management component that maintains data regarding an
inventory of the at least one consumable at a customer location, adjusts the inventory
based at least in part on the information received from the consumables monitor
regarding the amount of the at least one consumable consumed or the amount of the at
least one consumable remaining and charges the customer for an amount of the at least

one welding consumable used by the customer based at least in part upon the change in inventory.

21, 23-28, 32-34, 38-44 (cancelled)

45. (currently amended) A method for managing welding consumables, comprising:

employing a processor to execute computer readable instructions stored in a computer readable medium to perform the following acts:

~~receiving information regarding usage of at least one welding consumable;~~

monitoring an amount of at least one consumable consumed through a consumables monitor;

monitoring quality of at least one weld through a remote system communicatively coupled to the welder via a network;

receiving information from the consumables monitor regarding the amount of the at least one consumable consumed or the amount of the at least one consumable remaining and measuring a consumable demand rate based at least in part upon a production control policy and the received information;

receiving information from the consumables monitor regarding the amount of the at least one consumable consumed or the amount of the at least one consumable remaining and performing accounting tasks based at least in part upon the received information;

receiving information from the consumables monitor regarding the amount of the at least one consumable consumed or the amount of the at least one consumable remaining and performing inventory control based at least in part upon the received information;

maintaining data regarding an inventory of the at least one consumable at a customer location, adjusting the inventory based at least in part on the information received from the consumables monitor regarding the amount of the at least one consumable consumed or the amount of the at least one consumable remaining and charging the customer for an amount of the at least one welding consumable used by the customer based at least in part upon the change in inventory;

determining whether supply of each of the at least one welding consumable has fall below a predefined ordering threshold amount based at least in part on the information regarding consumption ~~usage~~ of each of the at least one welding consumable; and

ordering each of the at least one welding consumable based at least in part upon the determination that the supply of each of the at least one welding consumable has fall below the predefined ordering threshold.

48, 50, 59 (cancelled)

52. (currently amended) The method of claim 50; 45, wherein the threshold ordering level amount is based at least in part upon at least one of: a vendor managed

replenishment contract, a supplier's lead time for the consumable, a consumable forecast usage rate, availability of the consumable or pricing data for the consumable.

53. (currently amended) The method of claim ~~50~~; 45, wherein the threshold ordering ~~level~~ amount is updated continuously and in real-time.

60. (currently amended) The system of claim ~~59~~; 1, ownership of the at least one consumable remains with a supplier until the at least one consumable is used by the customer.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

Applicant's amendments to independent claims 1 and 45 overcame the previous 35 USC 112, 1st paragraph rejection noted in the April 30, 2009 office action.

Upon review of the evidence at hand including Applicant's remarks filed July 13, 2009, it is hereby concluded that the evidence obtained and made of record, alone or in combination, neither anticipates, reasonably teaches, nor renders obvious the below noted features of applicant's invention as the noted features amount to more than a predictable use of elements in the prior art. The allowable features include "an inventory management component that maintains data regarding an inventory of the at least one consumable at a customer location, adjusts the inventory based at least in part on the information received from the consumables monitor regarding the amount of the at least one consumable consumed or the amount of the at least one consumable remaining and charges the customer for an amount of the at least one welding consumable used by the customer based at least in part upon the change in inventory."

In addition to the above, the Examiner emphasizes the interrelation of the above distinguishing elements with the remainder of each respective claim element, and further notes that it is the interrelation that truly distinguishes Applicant's invention from the evidence at hand. Moreover, none of the evidence at hand teaches or suggests the combination of features claimed, nor does there exist an appropriate rationale for further modification of the evidence at hand.

It is hereby asserted by the Examiner that, in light of the above and in further deliberation over all of the evidence at hand, that the claims are allowable as the evidence at hand does not anticipate the claims and does not render obvious any further modification of the references to a person of ordinary skill in the art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON B. DUNHAM whose telephone number is (571)272-8109. The examiner can normally be reached on M-F, 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason B Dunham/
Primary Examiner, Art Unit 3625